



C.R.P.(NPD)No.477 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(NPD)No.477 of 2014

K.Radalakshmi

.. Petitioner

VS

1.M/s.Preeti Enterprises,
Rep. by its Proprietor: C.J.Francis,
No.27, Sripuram Colony,
1st Cross Street, St. Thomas Mount,
Chennai-600 016.

2.The Secretary to the Government,
Fort St. George, Revenue Department,
Chennai-9.

3.The Commissioner,
Urban Land Ceiling,
Chepauk, Chennai-5.

(R2 and R3 impleaded as respondents vide order of this Court dated
08.07.2014 and 01.08.2016 in CRP(NPD)No.477 of 2014)

4.Mercy Frances

5.Princy Francis

6.Celina Prabhu

.. Respondents

(R4, R5 & R6 are impleaded vide order of this Court
dated 31.07.2023 in CMP.Nos.9629, 9630 & 9631 of 2022)

Petition filed under Section 115 of the Code of Civil Procedure
against the Orders passed by the learned Subordinate Court Judge at



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Poonamallee dated 2nd January, 2014 in E.P.No.115 of 2012 in O.S.No.34 of 2008.

For Petitioner : Mr.P.Subba Reddy

For Respondents : Mr.S.P.Karthik (for R2 and R3)
Government Advocate
R1 - Died

ORDER

This revision challenges an order passed by the learned Subordinate Judge, Poonamallee in E.P.No.115 of 2012 in O.S.No.34 of 2008 dated 02.01.2014.

2.The Execution Petition has been filed seeking delivery of possession of the property on the basis of the judgment and decree in O.S.No.34 of 2008 dated 09.04.2011. The appeal preferred there from in A.S.No.47 of 2010 was successful and therefore a Second Appeal was preferred to this Court in S.A.No.43 of 2012. The said Second Appeal came to be allowed by this Court on 16.08.2012 which has been put into execution. Pending the proceeding, a Writ Appeal had been preferred before this Court in W.A.No.394 of 2011 whereby an interim order of stay was granted on 26.07.2017. The interim order states that arrears of amounts, that is payable, by the respondent herein would have to be deposited on or before 14.09.2017. Since the amounts were not



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deposited, the petitioners moved the Executing Court for delivery of possession.

3.At that stage, the Executing Court taking note of the fact, a stay has been granted in W.A.Nos.394 and 231 of 2011 directed the parties to get a clarification from this Court. This order is challenged in this revision. At the time of hearing of this revision, the learned counsel for the petitioner would submit that this Court had clarified the order on 18.10.2019, whereby the stay granted in the writ appeal stood vacated. Consequently, nothing further needs to be adjudicated in this revision, the order of this Court having been clarified. The Executing Court is directed to proceed further in Execution and ensure that the decree holder gets the fruits of the decree at the earliest, in any event within a period of four (4) months from the date of receipt of a copy of this order.

4.This civil revision petition is dismissed. No costs.

31.07.2023
(2/2)

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No
vs

To
The Subordinate Court Judge,
Poonamallee.



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V. LAKSHMINARAYANAN,J.

VS

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